

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re PATENT APPLICATION OF

KAUFMAN et al

Atty. Ref.: 1579-645

Serial No.: 10/080,522

Group Art Unit:

Filed: February 25, 2002

Examiner:

For: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

* * * * *

January 6, 2003

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

This is in response to the Notice to File Missing
Parts of NonProvisional Application dated November 4, 2002,
in the above. Kindly amend this application as follows.

IN THE SPECIFICATION:

Before the Figures, insert the Sequence Listing
submitted herewith.

IN THE FIGURES:

Substitute the Figures submitted herewith for those
originally filed.

KAUFMAN et al - Serial No.: 10/080,522

REMARKS

Favorable consideration of this application and entry of the foregoing amendments are respectfully requested.

The specification has been amended to include the Sequence Listing submitted herewith on separate sheets. Entry of the Sequence Listing does not raise the issue of new matter as the sequence information contained therein is presented in the application as originally filed. The computer readable copy of the Sequence Listing submitted herewith is the same as the attached paper copy of that Listing.

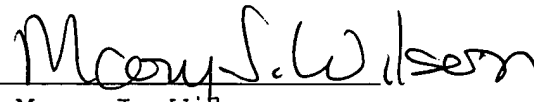
Submitted herewith are 8 sheets of Substitute Drawings.

An early and favorable Action on the merits is requested.

Respectfully submitted,

NIXON & VANDERHYE, P.C.

By



Mary J. Wilson
Reg. No. 32,955

MJW:tat

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

KAUFMAN et al

Serial No. 10/080,522

Filed: February 25, 2002

For: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

Attention: Application Branch

Atty. Dkt. 1579-645

Date: January 6, 2003

Assistant Commissioner for Patents

Washington, D.C. 20231

The attached completes filing of the above-identified patent application:☒ **Correspondence Address Indication Form Attached.**☐ Signed Rule 63 Declaration alone, ☒ Copy of Declaration from prior application alone, OR☐ Signed Declaration plus attached copy of originally filed specification/drawings.☒ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.☐ Record the attached assignment and return to the undersigned.☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed

respectively.

☐ Certified copy(ies) of foreign application(s) is/are attached.☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.☒ Applicant claims "small entity" status. ☐ "Small entity" statement attached.☒ Also attached: ☐ Information Disclosure Statement; ☒ Sequence Listing (paper and computer readable copies); ☒ Other: Response to Notice to File Missing Parts of NonProvisional Application and 8 Sheets of Replacement Drawings**Fees due are calculated below:**

Basic filing fee				\$	750.00
Total Effective claims	32	- 20 =	12	x \$	18.00
Ind pendent claims	7	- 3 =	4	x \$	84.00
If any proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)				\$	0.00
FILING FEE				\$	1,302.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months; \$1450.00/4 months)	\$	
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Surcharge (\$130.00) if Declaration or filing fee first now submitted	\$	130.00
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English translation of specification and claims (\$130.00)	\$	0.00
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FIRST SUBTOTAL	\$	1,432.00
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If "small entity," enter half (1/2) of subtotal and subtract	-\$	716.00
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SECOND SUBTOTAL	\$	716.00
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Assignment Recording Fee (\$40.00)	\$	0.00
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TOTAL FEE DUE	\$	716.00
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Check enclosed (Pre-Bill)*	\$	
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Check enclosed (non Pre-Bill)*	\$	716.00
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TOTAL FEE ENCLOSED	\$	716.00
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Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.

By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/080,522	02/25/2002	Russel E. Kaufman	1579-645

CONFIRMATION NO. 8638

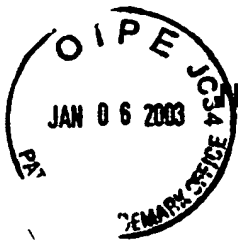
NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201

FORMALITIES LETTER



OC000000009051937

Date Mailed: 11/04/2002



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:

- The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figures(s) 5-6.

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at

01/07/2003 9DENB3B1 00000068 10080522

0P 375.00
0P 168.00
0P 108.00
0P 65.0001 FC:2001
02 FC:2201
03 FC:2202
04 FC:2051

63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of **\$276** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$711** for a Small Entity

- **\$370** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$276**
 - **\$108** for **12** total claims over 20 .
 - **\$168** for **4** independent claims over 3 .

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE